IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.3022 OF 2005

1.Smt.Anjubai Dhanaba Todkar, since deceased
through her L.R. Petitioner no.2
2.Shri Shivaji Dhanaba Todkar : Petitioners
(Orig. Plaintiffs)

V/s.

Mahadeo Malkari Mali & Ors. : Respondents
(Nos.1 and 2 Orig. Defendant Nos.1 and 2, respectively, No.3 added as his order is challenged)

...

Mr.S.D. Thokade for the petitioners.

Mr.S.S.Shah for the respondent nos.1 and 2.

...

CORAM : S.A. BOBDE, J.

August 8, 2005.

P.C.:

1. Rule, returnable forthwith.

Mr.Shah, learned counsel, appears and waives service of rule on behalf of the respondent nos.1 and 2.

Heard by consent.

2. The only issue is whether the Deputy Director of Land Records attached to the Settlement Commissioner

(Consolidation), Pune, has powers to review his order.

3. On 26.5.2004 vide exh.'D', the Deputy Director of Land Records held that the land in question is a fragment and, therefore, the transfer is in violation of the Consolidation Act. In the second order dated 7.3.2005, he has held that it is not a fragment. This clearly amounts to exercise of the powers of review which is not conferred on the said Officer under the provisions of the Act.

4. The impugned order is, therefore, set aside. The rule is made absolute in the aforesaid terms. The parties are at liberty to take such appropriate steps as may be available to them, in accordance with law.

S.A. BOBDE, J.